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**Subject: Adoption of Alternatives to PCB-containing Road Striping Paints**

The Spokane River Regional Toxics Task Force (SRRTTF), facilitated by the William D. Ruckelshaus Center, represents municipal and industrial permitted dischargers, conservation and environmental interests, and state and federal regulatory agencies in Washington and Idaho. This innovative direct- to-implementation process brings all stakeholders together in a collaborative effort to address PCB water quality concerns in the Spokane River. The purpose of the SRRTTF is to “work collaboratively to characterize the sources of toxics in the Spokane River and identify and implement appropriate actions needed to make measurable progress towards meeting applicable water quality standards for the State of Washington, State of Idaho, and The Spokane Tribe of Indians and in the interests of public and environmental health.”

The SRRTTF has worked diligently since 2012 to identify and reduce sources of PCBs from entering the Spokane River. It is evident from our analysis that a significant contribution of PCBs to the Spokane River watershed originate from sources currently allowed under the Federal Toxics Substance Control Act (TSCA) regulations. The concentrations of PCBs allowed under TSCA in commercial and industrial products are billions of times higher than the water quality criteria for PCBs that EPA has imposed on the State of Washington. The SRRTTF has identified numerous consumer products that contain significant concentrations of PCBs, including both yellow and white road striping.

The SRRTTF has worked with road paint manufacturers and national organizations representing the road paint industries, including the American Coatings Association (ACA) and the Color Pigment Manufacturer's Association (CPMA), to investigate alternatives to the PCB-containing road striping paints currently in use. These industries are aware of this concern and have been developing alternative road striping products. These products have been thoroughly tested to assure that they meet State specifications, and in fact are currently being used in WA State. The ACA in a correspondence to WA DES (David Darling, VP of Health, Safety and Environmental Affairs for ACA to Keith Kawamura, DES dated December 20, 2017) suggested that WA DOT adopt these alternative formulations into its specification:

*As mentioned on the call, limiting the use of diarylide yellow pigments in traffic paints may be a reasonable option to minimize "no- legacy" polychlorinated biphenyls (PCBs) in traffic coatings.*

*The 2018 Washington State Department of Transportation "Standard Specifications for Road, Bridge, and Municipal Construction" includes a section on Prohibited Materials in traffic paint that already restricts various metals and organic compounds. ACA suggests revising this section to prohibit the use of diarylide yellow pigments as follows (added text in yellow):*

*"9-34.2(3) Prohibited Materials Traffic paint shall not contain mercury, lead, chromium, toluene, chlorinated solvents, diarylide yellow pigments, chlorine derivatives, ethylene-based glycol ethers and their acetates, nor any other EPA hazardous waste material over the regulatory levels per CFR 40 Part 261.24."*

In 2014, the WA State legislature passed Senate Bill 6086<sup>1</sup> to reduce PCBs in products purchased by government agencies. The bill specifically states:

*The Department of Enterprise Services (DES) must establish a purchasing and procurement policy that provides a preference for products and products in packaging that do not contain PCBs. Unless it is not technically feasible or cost effective, no state agency may purchase products or products in packaging containing PCBs above the practical quantification limit.*

The City of Spokane<sup>2</sup> and Spokane County<sup>3</sup> subsequently adopted similar PCB-free product purchasing ordinances.

The development of alternatives to the PCB-containing road striping paints provides a great opportunity and an excellent example for compliance with these purchasing policies/ordinances. In April, 2018, the WA DOT

<sup>1</sup> [ HYPERLINK "<http://apps2.leg.wa.gov/billsummary?BillNumber=6086&Year=2013&BillNumber=6086&Year=2013>" ]

<sup>2</sup> [ HYPERLINK "[http://www.responsiblepurchasing.org/resources/policies/city/spokane\\_2014.pdf](http://www.responsiblepurchasing.org/resources/policies/city/spokane_2014.pdf)" ]

<sup>3</sup> [ HYPERLINK "<http://cp.spokanecounty.org/commissioners/commpub/ImageCntrl.aspx>" ]

revised their master contract for maintenance paint (the majority of paint material purchased by WSDOT) with the prohibition of diarylide yellows. The SRRTTF requests that all municipalities with infrastructure pathways to the Spokane River watershed adopt similar prohibitions on the use of diarylide yellow paints, to be consistent with the ordinances adopted and as a demonstration of commitment to supporting the efforts of the SRRTTF to reduce sources of PCBs to the Spokane River.

Members of the SRRTTF and the Spokane River watershed communities greatly appreciate your consideration of this request. On behalf of the SRRTTF, please contact Chris Page (206/770-6060, c.page@wsu.edu) of the Ruckelshaus Center should you have any questions or require additional information.

Sincerely,

Spokane River Regional Toxics Task Force

Cc:

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